



UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

January 28, 2015

Mr. Oscar A. Limpias
Vice President-Nuclear and CNO
Nebraska Public Power District
72676 648A Avenue
Brownville, NE 68321

SUBJECT: COOPER NUCLEAR STATION – AUDIT OF THE LICENSEE'S MANAGEMENT
OF REGULATORY COMMITMENTS (TAC NO. MF3461)

Dear Mr. Limpias:

In U.S. Nuclear Regulatory Commission (NRC) Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000, the NRC informed licensees that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments and encouraged licensees to use the NEI guidance or similar administrative controls to ensure that regulatory commitments are implemented and that changes to the regulatory commitments are evaluated and, when appropriate, reported to the NRC.

The NRC Office of Nuclear Reactor Regulation has instructed its staff to perform an audit of licensees' commitment management programs once every 3 years to determine whether the licensees' programs are consistent with the industry guidance in NEI 99-04, and that the regulatory commitments are being effectively implemented.

An audit of the Cooper Nuclear Station commitment management program was performed at the plant site during the period November 3-5, 2014. Based on the audit, the NRC staff concludes that Nebraska Public Power District (the licensee) has implemented NRC commitments on a timely basis and has implemented its program for managing NRC commitment changes. The details of the results of the audit are set forth in the enclosed audit report.

I appreciate the assistance and support provided by your licensing staff during the audit, particularly Ms. Luann Bray.

O. Limpas

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If you have any questions, please contact the Cooper Project Manager at 301-415-1564 or via e-mail at Siva.Lingam@nrc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "A. George". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrea E. George, Project Manager
Plant Licensing Branch IV-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosure:
Commitment Audit Report

cc w/encl: Distribution via Listserv



UNITED STATES
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AUDIT REPORT BY THE OFFICE OF NUCLEAR REACTOR REGULATION

LICENSEE MANAGEMENT OF REGULATORY COMMITMENTS

NEBRASKA PUBLIC POWER DISTRICT

COOPER NUCLEAR STATION

DOCKET NO. 50-298

1.0 INTRODUCTION AND BACKGROUND

In U.S. Nuclear Regulatory Commission (NRC) Regulatory Issue Summary 2000-17, "Managing Regulatory Commitments Made by Power Reactor Licensees to the NRC Staff," dated September 21, 2000 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML003741774), the NRC informed licensees that the Nuclear Energy Institute (NEI) document NEI 99-04, "Guidelines for Managing NRC Commitment Changes," contains acceptable guidance for controlling regulatory commitments and encouraged licensees to use the NEI guidance or similar administrative controls to ensure that regulatory commitments are implemented and that changes to the regulatory commitments are evaluated and, when appropriate, reported to the NRC.

The NRC Office of Nuclear Reactor Regulation (NRR) has instructed its staff to perform an audit of licensees' commitment management programs once every 3 years to determine whether the licensees' programs are consistent with the industry guidance in NEI 99-04, and that the regulatory commitments are being effectively implemented. An audit of the Cooper Nuclear Station (CNS) commitment management program was performed at the plant site during the period November 3-5, 2014. The audit reviewed commitments made by Nebraska Public Power District (the licensee) since the previous audit on May 3-5, 2011, which were documented in an audit report dated August 5, 2011 (ADAMS Accession No. ML111650793). The NRR Project Manager also reviewed the licensee's periodic commitment change reports, which CNS submitted in conjunction with Updated Safety Analysis Report (USAR) Amendment 25 (Enclosure 6 to the licensee's letter dated October 24, 2011) and Amendment 26 (Enclosure 7 to the licensee's letter dated May 16, 2013) (ADAMS Accession Nos. ML11301A121 and ML13168A217, respectively).

NEI 99-04 defines a "regulatory commitment" as an explicit statement to take a specific action agreed to, or volunteered by, a licensee and submitted in writing on the docket to the NRC. NRR guidelines direct the NRR Project Manager to audit the licensee's commitment management program by assessing the adequacy of the licensee's implementation of a sample of commitments made to the NRC in past licensing actions (amendments, relief requests,

Enclosure

exemptions, etc.) and activities (bulletins, generic letters, etc.). The audit is to be performed every 3 years.

2.0 AUDIT PROCEDURE AND RESULTS

The audit consisted of three major parts: (1) verification of the licensee's implementation of NRC commitments that have been completed, (2) verification of the licensee's program for managing changes to NRC commitments, and (3) verification that all regulatory commitments reviewed were correctly applied in NRC staff licensing reviews.

2.1 Verification of Licensee's Implementation of NRC Commitments

The primary focus of this part of the audit is to confirm that the licensee has implemented commitments made to the NRC as part of past licensing actions/activities. For commitments not yet implemented, the NRC staff determines whether they have been captured in an effective program for future implementation. The audit also verifies that the licensee's commitment management system includes a mechanism to ensure traceability of commitments following initial implementation. This ensures that licensee personnel are able to recognize that future proposed changes to the affected design features or operating practices require evaluation in accordance with the commitment change control process.

2.1.1 Audit Scope

The audit addressed a sample of commitments, the majority of which were made during the review period of approximately the last 3 years. The audit focused on regulatory commitments made in writing to the NRC as a result of past licensing actions (amendments, exemptions, relief requests, etc.) and licensing activities (bulletins, generic letters, etc.). Commitments made in Licensee Event Reports or in response to Notices of Violation may be included in the sample, but the review will be limited to verification of restoration of compliance, not the specific methods used. Before the audit, the NRC staff searched the ADAMS for the licensee's submittals since the last audit and selected a representative sample for verification.

The audit excluded the commitments that are internal to licensee processes such as those that are made on the licensee's own initiative among internal organizational components, those that pertain to milestones of licensing actions/activities, or those made as an internal reminder to take actions to comply with existing regulatory requirements such as regulations.

2.1.2 Audit Results

The licensee has implemented site-wide Administrative Procedure 0.42.1, "Regulatory Commitment Tracking and Commitment Changes," Revision 17, which describes the regulatory commitment management process at CNS. The NRC staff compared the guidance in CNS Administrative Procedure 0.42.1 to the guidance in NEI 99-04. As a result of this comparison, the NRC staff found that the CNS procedure was consistent with the NEI guidance for identifying, managing, and closing commitments. The NRC staff also found that the roles and responsibilities, processes, and metrics were clearly identified in the CNS procedure.

The audit verified that the licensee's commitment management system includes a mechanism to ensure traceability of commitments following initial implementation. This ensures that licensee personnel are able to recognize that future proposed changes to the affected design features or operating practices require evaluation in accordance with the commitment change control process.

The documents furnished by the licensee during the audit included summary sheets providing the status of the commitments and appropriate backup documentation, as needed (i.e., commitment change evaluation forms, plant procedures, work orders, photographs, examination records, and/or other plant documentation). The NRC staff reviewed the documents and summarized the selected commitments information in the audit report.

The NRC staff audit confirmed that the licensee has documented its implementation of regulatory commitments made to the NRC staff as part of past licensing actions. The NRC staff audit of the licensee's commitment management program for CNS did not identify any regulatory commitments that were not satisfied or incorporated into its commitment management program for implementation. Generally, the licensee's commitment tracking database was found to be well-maintained and the commitments selected for this audit were generally easily traceable in the database.

Licensee personnel were able to demonstrate effective use of the commitment management database and provided status tracking to the applicable implementation document. The NRC staff found that generally, the selected commitments in the audit sample were effectively implemented. Using the CNS Regulatory Commitment Tracking System (RCTS) as a starting point, the NRC staff sought to determine that commitments were implemented in documents such as plant procedures (both electronic and in paper copies; e.g., in the control room), or in appropriate engineering packages. The attached Audit Summary Table provides details of the audit and its results.

Regarding the licensee's process to close out commitments and provide sufficient justification, the auditors found that there is room for improvement. In one instance, a commitment closure evaluation for commitment no. NLS-2008081-01 stated that all cognizant departments had provided inputs in order to close the commitment, and it was closed. However, months later, the CNS engineering department submitted a memorandum to station management providing justification for closing the commitment in a completely different manner (non-adoption of a Technical Specification Task Force traveler, whereas the commitment was closed with the intention of adopting this specific traveler). The NRC staff recommends that the licensee ensure, in accordance with Step 6.2.1 of CNS Administrative Procedure 0.42.1, that concurrence/approval from all stakeholders and approvers is obtained, in its final state, before closing a regulatory commitment. This should be an area of focus for the next NRR DORL project manager's regulatory commitment audit.

Based on the above, the NRC staff concludes that the licensee has implemented the regulatory commitments management program effectively in accordance with LIC-105, "Managing Regulatory Commitments Made by Licensees to the NRC," and consistent with NEI 99-04.

2.2 Verification of the Licensee's Program for Managing NRC Commitment Changes

The primary focus of this part of the audit was to verify that the licensee has established administrative controls for satisfying, modifying, or deleting commitments made to the NRC. The audit should ensure that changes to commitments (modifications or deletions) are evaluated in accordance with the licensee's programs and procedures, that the licensee's technical evaluations adequately justify the change, and that the NRC is informed of commitment changes that have safety or regulatory significance.

The NRC staff compared the licensee's process for controlling regulatory commitments to the guidelines in NEI 99-04, which the NRC has found to be an acceptable guide for licensees to follow for managing and changing commitments. The process used at CNS is contained in site-wide Administrative Procedure 0.42.1, "Regulatory Commitment Tracking and Commitment Changes," Revision 17. The auditors reviewed a sample of commitment changes that included changes that were or will be reported to the NRC, and changes that were not or will not be reported to the NRC. The auditors also verified that the licensee's commitment management system includes a mechanism to ensure traceability of commitments following initial implementation and following commitment changes. This ensures that licensee personnel are able to recognize that future proposed changes to the affected design features or operating practices require evaluation in accordance with the commitment change control process.

2.2.1 Audit Results

The NRC staff reviewed CNS procedure 0.42.1 and its required forms and associated procedures to determine whether the licensee had an effective program in place to identify, manage, revise, and close commitments made to the NRC as part of licensing actions/activities. In addition, the NRC staff reviewed relevant reports and summary sheets from the RCTS and other sources providing the status of each commitment, tracking and change evaluation forms, and other associated documentation.

During the period covered by this audit summary, there were two regulatory commitments which were revised. These two commitments were included in the audit sample and are detailed in the attachment to this audit summary.

Based on the review of the reports provided by the licensee as described above, queries of the RCTS database, and the accompanying change review and tracking forms provided during the audit, the NRC staff found that the licensee's implementation of its program for managing NRC commitment changes in accordance with its site procedure is satisfactory.

2.3 Review to Identify Misapplied Commitments

The commitments reviewed for this audit were also evaluated to determine if they had been misapplied. A commitment is considered to be misapplied if the action comprising the commitment was relied on by the NRC staff in making a regulatory decision such as a finding of public health and safety in an NRC safety evaluation associated with a licensing action. Reliance on an action to support a regulatory decision must be elevated from a regulatory commitment to a legal obligation (e.g., license condition, condition of a relief request, regulatory exemption limitation or condition). A commitment is also considered to have been misapplied if

the commitment involves actions that were safety significant (i.e., commitments used to ensure safety).

Each of the commitments selected for the audit sample were reviewed to determine if any had been misapplied. No misapplied commitments were identified in the audit scope.

2.3.1 Review of Safety Evaluation Reports for Licensing Actions since the Last Audit to Determine if They Are Properly Captured as Commitments or Obligations

In addition to the commitments selected for the audit sample, all license amendment safety evaluations, exemptions, and relief request safety evaluations that were issued for CNS since the last audit were identified. These documents were evaluated to determine if they contained any misapplied commitments as described above. There were no misapplied commitments found in the NRC staff evaluations for amendments, exemptions, relief requests, or other licensing tasks since the last commitment management audit.

3.0 CONCLUSION

The NRC staff concludes, based on the audit, that (1) the licensee has generally implemented NRC commitments on a timely basis, and (2) the licensee has implemented an effective program for managing NRC commitment changes.

4.0 LICENSEE PERSONNEL CONTACTED FOR THIS AUDIT

Luann Bray
Dan Buman
Jim Shaw

Principal Contributors: A. George
E. Mitchell

Date: January 28, 2015

**Summary of Regulatory Commitment Audit Results Performed on November 3-5, 2014
Cooper Nuclear Station
Nebraska Public Power District
Docket No. 50-298**

TAC No.	ADAMS Accession No. & Date	Commitment		Documents Reviewed	Status & Comments
		No.	Summary		
ME7169	ML12129A318 5/2/12	NLS2012033-01	NPPD will supplement the 24-month fuel cycle LAR to revise the SR 3.8.4 18-month frequency to 12 months.	LO 2011-0163-016	Closed. Supplement dated 5/24/14 refers.
MD7815	ML082890161 10/10/10	NLS2008081-01	NPPD will evaluate the TSTF traveler (TSTF-523) for making changes to individual licensees TS related to the potential for unacceptable gas accumulation, its applicability to CNS, and evaluate adopting the traveler to either supplement or replace the current TS requirements.	LO 2008-0139-032,034,035 CR-CNS-2014-05842 Procedures 6.1MISC.503, 6.2MISC.503 Engineering Department Memo, "Adoption of TSTF-523, Revision 2," dated 7/18/14	Closed. Initial commitment closure indicated CNS would adopt TSTF-523. Later, an engineering dept. memo recommended non-adoption. The commitment closure was updated to reflect non-adoption of the TSTF.
ME2643	ML102770094 9/27/10	NLS2010089-02	In accordance with the requirements of 10 CFR 73.54(B)(1), an identification of SSCs subject to the requirements of 10 CFR 73.54 will be developed during the implementation of the CSP. This identification of SSCs will be available for inspection upon completion.	LO 2010-00301-03 Procedure 11.CS-SCOPE	Closed. Procedure 11.CS-SCOPE updated appropriately.

TAC No.	ADAMS Accession No. & Date	Commitment		Documents Reviewed	Status & Comments
		No.	Summary		
MF0796	ML12136A237 5/9/12	NLS2012034-02	Describe any interim actions that have been taken or are planned to be taken to enhance existing communications systems power supplies until the communications assessment and the resulting actions are complete.	LO 2012-0163-004 Project Plan FCC RADIOS FCC BASE 1/BASE 2 UPGRADE Purchase Order 46330 Procedure 5.7COMMUN	Closed. Interim actions addressed in NLS2012048 dated 6/7/12. Actions included purchase orders for two UPS, plan to replace analog radios with digital models, and procurement of 14 battery-operated sat phones. Verified quarterly sat phone inventory.
N/A	ML13182A082 6/25/13	NLS2013056-02	NPPD will develop and implement interim procedural guidance and training for manually summing the individual offsite dose assessment results until full implementation of the revised dose assessment computer code capability is achieved.	LO 2013-0503-008 Training Attendance Sheets Procedure 5.7.7, Revision 41, "Dose Assessment"	Closed. Procedure 5.7.17 provides instruction to individuals required to perform dose assessment, review, or approve dose assessment. All active individuals qualified to these positions have been trained on the process.

TAC No.	ADAMS Accession No. & Date	Commitment		Documents Reviewed	Status & Comments
		No.	Summary		
ME8551	ML14027A425 1/17/14	NLS2014001-01	NPPD will implement the new NFPA 805 FPP to include implementation items S-3.1 through S-3.29 as identified in Table S-3 of attachment S to Enclosure 1 of the LAR, as revised.	LO 2011-00159 Commitment Change Evaluation Forms for NLS2012006-01, Revs. 1, 2	Closed. Tracked under commitment no. NLS2012006-01, which has been revised twice.
MF4712	ML14161A397 (SUNSI-SRI) 6/4/14	NLS2014052-01	SUNSI-SRI	EDP-048, "Flooding Hazard Reevaluation Interim Action Monitoring and Trigger Points" Procedure 5.1FLOOD LO 2012-0160-014	Closed. The licensee followed its regulatory commitment closure process for this action. However, the adequacy of the justification remains under review via other processes (JLD, Regional inspection).
		NLS2014052-02	SUNSI-SRI	EDP-048 Procedure 5.1FLOOD Vendor equipment procurement strategy proposal	Closed. The licensee followed its regulatory commitment closure process for this action. However, the adequacy of the justification remains under review via other processes (JLD, Regional inspection).

TAC No.	ADAMS Accession No. & Date	Commitment		Documents Reviewed	Status & Comments
		No.	Summary		
MF4452	ML14202A205 7/14/14	NLS2014035-01	NPPD has contingency plans for obtaining and analyzing highly radioactive samples from the RCS, suppression pool, and containment atmosphere. NPPD will maintain this capability in CNS chemistry department procedures.	LO 2005-0329-017 Procedures 8.PASS.1, 8.PASS.2, 8.PASS.3	Closed. Verified annotation in chemistry department procedures.
MF0796	ML12167A224 6/7/12	NLS2012048-03	NPPD is in the process of developing an additional agreement w/NEMA to obtain logistical support for the transport of emergency responders to the site in the vent of a large-scale natural disaster that inhibits site access. A contingency requisition, which was developed for service in response to Missouri river levels in 2011, will be finalized. The state agreements will address clearing of access roads as conditions warrant. NPPD anticipates that applicable agreements or suitable arrangements with state emergency management and the helicopter service will be established.	Commitment Change Evaluation Form LO 2012-00164, CA-15 CNS Letter dated 10/26/12, NLS2012116 Memo of Agreement between NPPD, Omaha Public Power District, NE Emergency Management Agency, and NE Dept. of Health and Human Services	Open. Emergency Plan Rev. 61 issued to include new memoranda of agreement. Reviewed commitment change evaluation form. NRC notified of commitment change in licensee letter (NLS2012116) dated 10/26/12.
ME8551	ML121220216 4/24/12	NLS2012006-01	NPPD will implement the new NFPA 805 FPP to include procedure changes, process updates, and training to affected plant personnel as identified in Table S-3 of Attachment S to Enclosure 1. To be implemented within 6 months after issuance of the NFPA 805 License Amendment.	LO 2011-00159 Commitment Change Evaluation Form	Closed. This commitment was revised, and later, this commitment was rescinded as it has been escalated to a regulatory obligation per the FP license condition.

TAC No.	ADAMS Accession No. & Date	Commitment		Documents Reviewed	Status & Comments
		No.	Summary		
ME9550	ML13283A010 10/1/13	NLS2013092-01	Until the NRC endorses the revised inspection guidance of BWRVIP-25, NPPD will perform VT-3 inspections on the top side of a 50% sample of the core plate hold down bolts every other refueling outage.	LO 2013-0535-001 Work Order 4939920 CNS Vessel Internals Program, Revision 20	Open. THE CNS vessel internals program was updated to require VT-3 examination of a 50% sample every other cycle
ME9322	ML14038A120 2/3/14	NLS2014014-01	Cooper Nuclear Station will follow the generic schedule provided in the Industry Open Phase Conditions (OPC) Initiative. Any deviation from the Industry OPC Initiative schedule will be documented through the deviation/exemption process addressed in the NEI OPC Guidance Document.	LO 2014-0097	Open. Specific commitments in industry initiative are being tracked by LO 2014-0097.

O. Limpias

- 2 -

If you have any questions, please contact the Cooper Project Manager at 301-415-1564 or via e-mail at Siva.Lingam@nrc.gov.

Sincerely,

/RA/

Andrea E. George, Project Manager
Plant Licensing Branch IV-1
Division of Operating Reactor Licensing
Office of Nuclear Reactor Regulation

Docket No. 50-298

Enclosure:
Commitment Audit Report

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